

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/721,542	SPEAR ET AL.
	Examiner	Art Unit
	Daniel J. Ryman	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment filed 2/13/06.
2.  The allowed claim(s) is/are 1-36.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_

**EXAMINER'S AMENDMENT**

1. Authorization for this examiner's amendment was given in a telephone interview with Steven A. May on 20 March 2006.

The application has been amended as follows:

- In claim 1, line 1, "packet data" has been changed to --General Packet Radio Service (GPRS)--.
- In claim 1, line 3, "channel is " has been changed to --channel (PACCH) is--.
- In claim 10, line 1, "station comprising" has been changed to -- station, operating in a General Packet Radio Service (GPRS) communication system, comprising--.
- In claim 10, line 3, "channel and " has been changed to --channel (PACCH) and--.
- In claim 19, line 1, "packet data" has been changed to --General Packet Radio Service (GPRS)--.
- In claim 19, line 3, "channel;" has been changed to --channel (PACCH) from a mobile station;--.
- In claim 19, lines 4-5, "timeslot for use in transmitting the control data during" has been changed to --timeslot to the mobile station, wherein the mobile station transmits the control data in the uplink timeslot during--.
- In claim 19, line 6, "which intervals a packet" has been changed to --which intervals the packet--.

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- In claim 26, line 1, "controller comprising" has been changed to --controller, in a General Packet Radio Service (GPRS) communication system, comprising--.
- In claim 26, line 2, "request for" has been changed to --request from a mobile station for--.
- In claim 26, line 2, "channel and," has been changed to --channel (PACCH) and,--.
- In claim 26, line 3, "timeslot for use in transmitting" has been changed to – timeslot to the mobile station, wherein the mobile station transmits--.
- In claim 26, line 5, "not available" has been changed to --not available.--.
- In claim 26, line 5, "which intervals a packet" has been changed to --which intervals the packet--.
- In claim 33, line 2, "packet data" has been changed to --General Packet Radio Service (GPRS)--.
- In claim 33, line 3, "channel is " has been changed to --channel (PACCH) is--.
- In claim 33, lines 4-5, "channel; and when a packet" has been changed to -- channel; and in one or more intervening intervals, which intervening intervals each occurs between availabilities of the packet associated control channel and during which intervals the packet--.
- In claim 35, line 2, "packet data" has been changed to --General Packet Radio Service (GPRS)--.
- In claim 35, line 3, "channel;" has been changed to --channel (PACCH) from a mobile station;--.

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In claim 35, lines 4-5, "timeslot for use in transmitting control data comprising channel measurements when" has been changed to --timeslot to the mobile station, wherein the mobile station transmits control data comprising channel measurements in the uplink timeslot when--.

***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance: The prior art teaches creating a PACCH that is ancillary to the data stream, such that the PACCH could be used at any time, including during a handover. See Molno et al. (USPN 2001/0030949). However, the prior art does not disclose or fairly suggest using a PACCH when available and using an uplink timeslot when the PACCH is not available.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel J. Ryman  
Examiner  
**DJR** Art Unit 2665



HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600